IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 1917 of 2005

Between:

1. Kakani Venkata Sathya Krishna Kumar,

S/o. Suryanarayana Moorthy,
Sri Kapotheswara Swamy Devastanam,

Kadali Village, Razole Mandal,
West Godavari District.

2. K. Rudrapaka Prasada Rao Sharma, S/o. Satya

Sheshavatharam, Sri Kapotheswara Swamy

Devastanam, Kadali Village, Razol Mandal,
West Godavari District.

.... PETITIONERS

AND

1. The Commissioner of Endowments,

Government of A.P., at Hyderabad.

2. The Regional Joint Commissioner, Endowments, Kakinada,.

3. The Deputy Commissioner, Endowments, Kakinada.

4. The Executive Officer, Sri Kapotheswara Swamy Devastanam,
Kadali Village, Razol Mandal, West Godavari District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the respondents in not granting 1999 by Pay Revision Scales to the petitioners and not allotting duties to the 2nd petitioner by proceedings dt. 11-11-2004 passed by the 4th Respondent as arbitrary, illegal void abinitio besides principles of natural justice and contrary to rules and violative of Articles 14 and 21 of constitution of India and consequently direct the Respondents herein to continue the petitioners in their respective posts in the 4th Respondent temple.

Counsel for the Petitioner: MR.J.ASHVINI KUMAR

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court made the following:

ORDER:

Heard Sri J. Ashwini Kumar, learned counsel appearing for the petitioner and also the learned Government Pleader for Endowments appearing on behalf of the respondents 1 to 4 herein.

The petitioners herein who are Archakas working with the fourth respondent institution filed this Writ Petition, inter alia, seeking a Mandamus declaring the action of the respondents from not granting 1999 pay revision scales to them and not allotting duties to the second petitioner by proceedings dated 11.11.2004 as arbitrary, illegal and voilative of Articles 14 and 21 of the Constitution of India.

During the Course of arguments it is represented by the learned counsel appearing for the petitioner that they have already filed a comprehensive detailed representation on 05.03.2004 before 4th respondent herein claiming the very same

relief and the same is still pending and no orders have been passed.

Having considered submissions made and on perusal of record, especially in view of the pendency of the Writ Petition for the self same relief, it is more apt to direct the said institution to consider the case and pass orders, instead of going in to the same which will be a premature one.

Accordingly, the Writ Petition is disposed of directing the fourth respondent to consider the said representation including allotment of duties to the second petitioner afresh by giving notice and opportunity and pass orders on merits in accordance with law. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No costs.

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21-03-2005

kvrm/hsd

To

1. The Commissioner of Endowments,

Government of A.P., at Hyderabad.

2. The Regional Joint Commissioner, Endowments, Kakinada,.

3. The Deputy Commissioner, Endowments, Kakinada.

4. The Executive Officer, Sri Kapotheswara Swamy Devastanam,
   Kadali Village, Razol Mandal, West Godavari District.

5. 2 CCs to G.P. Endowments, High Court Buildings, Hyderabad

(OUT)

6. 2 CD copies.